

-Remarks-

The Examiner has requested that an Abstract of the Invention be provided. Applicants have amended the application herein to add an Abstract of the Invention. A copy of the abstract on a separate page numbered consecutively with the last page of the claims is enclosed herewith. Applicants submit that the addition of the abstract does not add new matter to the application. Support for the abstract is in the published International Application Publication Number WO00/66584, which is the International Application which corresponds to this application. The abstract added herein is identical to the original abstract with the exception that the utility for the compounds, not present in the original abstract, has been added to the instant abstract. Support for the utilities provided in the abstract may be found in original claims 18 - 34.

Amendments

Entry of the above amendments and reconsideration and withdrawal of the rejection of the subject matter of claims 1 - 34, now re-presented as claims 35 - 77, is respectfully requested. Cancellation of claims 1 - 34 is without waiver or prejudice to subsequent prosecution. Applicants reserve the right to file continuation applications directed to any subject matter not being asserted herein. A claim fee sheet has been enclosed since certain formerly dependent claims have been rewritten in independent form and some new claims have been added. Accordingly, Applicant believes that fees are due for the new claims.

The 35 U.S.C. §112, second paragraph, rejection.

The Examiner has rejected Claims 1 - 34 under 35 U.S.C. §112, second paragraph for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. All of the issues specifically raised by the Examiner have been addressed and corrected, including typographical errors in the translation, incorrect usage and grammatical errors in the claims and correction of Markush language. Applicants have removed the terms "including" and "possibly" from the claims and have added new dependent claims 70 - 77 directed to the subject matter thereof. Further, Applicants have rewritten claims 10 - 12 as new claims 44 - 46 in independent form. The term "general" has been removed therefrom. Claims 13 and 14 have been rewritten as new claims 47 and 48 in proper dependent form. Claim 17 has been rewritten as new claim 51 as suggested by the Examiner.

Claims 18 - 34 have been rewritten as new claims 52 - 69 as method claims.

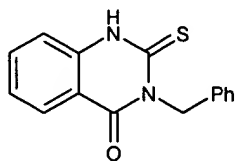
Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. §112, second paragraph, rejection of claims 1 - 34 as re-presented as claims 35 - 77.

The 35 U.S.C. §101 rejection of claims 18 - 34.

The Examiner has rejected claims 18 - 34 under 35 U.S.C. §101 because the claimed recitation of use, without setting forth any steps involved in the process, results in an improper definition of a process. Applicants have rewritten claims 18 - 34 as new claims 52 - 69 as method claims. Applicants respectfully request that the Examiner reconsider and allow new claims 18 - 34 as re-presented as claims 52 - 69.

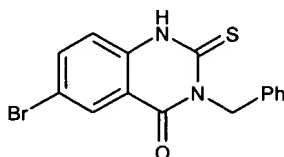
The 35. U.S.C. §102 rejection of claim 10 over Kappe et al., Misra et al. and Omar et al

The Examiner has rejected claim 10 under 35 U.S.C. §102(b) over Kappe et al., Monatshefte fuer Chemie, 1967, 98(1), 214 - 218 (hereinafter "Kappe"). Specifically, the Examiner has alleged that claim 10 reads on the compound having CAS RN 13906-05-3P.

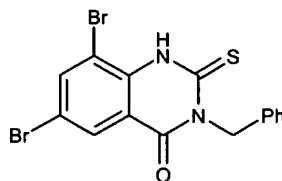


CAS 13906-05-3P

The Examiner has also rejected claim 10 under 35 U.S.C. §102(b) over Misra et al., Pesticide Science, 1982, 13(2), 177-82 (hereinafter "Misra"). Specifically, the Examiner has alleged that claim 10 reads on the compounds having CAS RN 18730-39-7 and 35977-17-4.

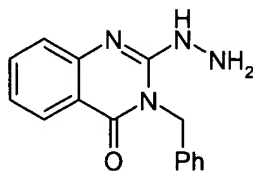


CAS 18730-39-7



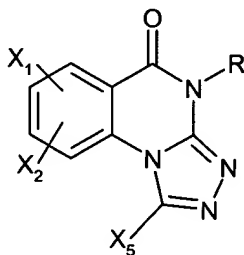
CAS 35977-17-4

The Examiner has also rejected claim 10 under 35 U.S.C. §102(b) over Omar et al., Pharmazie, 1979, 34(11), 747-8 (hereinafter "Omar"). Specifically, the Examiner has alleged that claim 10 reads on the compound having CAS RN 74395-78-1.



CAS 74395-78-1

The compounds of claim 44 (which corresponds to original claim 10) have the following structure:

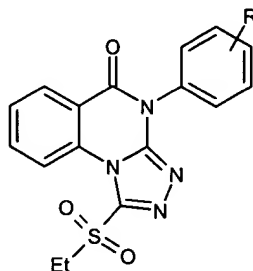


wherein  $R_6$  and  $R_7$  are required to be taken together to form a 5- or 6-membered ring. The compounds of Kappe, Misra and Omar do not have a ring at that position. Accordingly the compounds of Kappe, Misra and Omar are not within the scope of

instant claim 44. Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. §102(b) rejection of claim 10 (now claim 44).

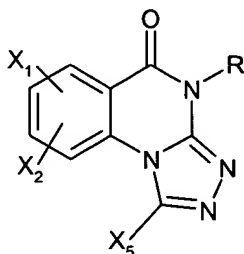
The 35 U.S.C. §102 rejection of claim 12 over Kottke et al.

The Examiner has rejected claim 12 under 35 U.S.C. §102(b) over Kottke et al., DD158549 (hereinafter "Kottke"). Specifically, the Examiner has alleged that claim 12 reads on the compounds on page 21 in Table 6. Those compounds are



where R is F, Br and Cl.

The compounds of claim 46 (which corresponds to original claim 12) have the following structure, which has been re-oriented to more clearly show the relationship to the compounds in Kottke:



wherein  $X_5$  cannot be  $SO_2X_7$  when  $X_1$  and  $X_2$  are hydrogen,  $A_1$  is O and R is phenyl monosubstituted with halo. Accordingly, the compounds of Kottke are not within the scope of instant claim 46. Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. §102(b) rejection of claim 12 (now claim 46).

-Conclusion-

Applicants, having responded to all points and concerns raised by the Examiner, believe this application to be in condition for allowance. An early and favorable action is respectfully requested.

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Respectfully submitted,

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